

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ANTHONY RAY PRICE,  
  
v.  
  
STATE OF NEVADA, et al.,  
  
Respondents.

Case No. 3:23-cv-00477-ART-CLB  
  
Order Dismissing Action as  
Improperly Commenced

Anthony Ray Price, who is custody at the Washoe County Detention Center, has attempted to initiate a 28 U.S.C. § 2254 habeas corpus petition. But he used a form to bring a motion, not a form for a habeas petition, and his claims are unclear. The local rules require that Price use this Court's habeas petition form. LSR 3-1. Price included what he called a financial certificate (ECF No. 1-1 at 5), but he did not submit a fully completed application to proceed *in forma pauperis*. This action, therefore, has been improperly commenced. Thus, the Court dismisses it without prejudice to filing a habeas petition on the Court's form, accompanied by the \$5.00 filing fee or a fully completed application to proceed *in forma pauperis*.<sup>1</sup>

It is therefore ordered that this action is dismissed without prejudice.

It is further ordered that the Clerk of the Court send Petitioner the approved form for filing a 28 U.S.C. § 2254 petition and instructions for the same and the approved form application to proceed *in forma pauperis* for an inmate and instructions for the same.

It is further ordered that a certificate of appealability is denied, as jurists

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<sup>1</sup> The Court also notes that seeking relief in federal court appears to be premature. Price apparently seeks to challenge additional charges brought against him in July 2023. (See ECF No. 1-1 at 4.) The Court takes judicial notice that in the short time period since those charges were added, Price cannot have exhausted his state-court remedies.

1 of reason would not find the Court's dismissal of this action without prejudice.

2 It is further ordered that the Clerk enter judgment accordingly and close  
3 this case.

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5 DATED THIS 21<sup>st</sup> day of November 2023.

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9 ANNE R. TRAUM  
10 UNITED STATES DISTRICT JUDGE  
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